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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,322	07/20/2006	Frank Drees	4070-214US (K55003US)	9297

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EXAMINER

TSIDULKO, MARK

ART UNIT	PAPER NUMBER
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2875

MAIL DATE	DELIVERY MODE
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05/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,322	Applicant(s) DREES, FRANK	
	Examiner MARK TSIDULKO	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/01/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>110606</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The submission of amendment filed on 8/01/2008 is acknowledged. At this point claims 1-3 have been amended and claims 4 and 5 have been canceled. Thus, claims 1-3 are at issue in the instant application. A substitute specification filed on 7/20/2006 has been entered.

Claim Objections

Claim 3 is objected to because of the following informalities: claim includes a portion “*A built-in light according to one of the preceding claims characterized in that the fitting carrier (3) has latching tongues (3b) which in the installation position engage behind corresponding undercut configurations on the retaining hoop (2)*” (lines 3-6), which appears to be canceled claim 4.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roorda (US 5,909,955) in view of Kuo (US 7,192,167).

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Referring to Claim 1 Roorda discloses (Fig.5) a lighting fixture including a frame (housing) [20] having a central opening, a retaining hoop [22] connected to the frame by tabs [51] arranged on the frame [20] and a reflector [16] connected to the frame [20] (col.2, lines 10-13).

Roorda discloses the instant claimed invention except for tongues from the retaining hoop holding the fitting carrier.

In Kuo, retaining ring [4] includes tongues [43], which fit into grooves [611] of the fitting carrier [6].

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the securing means of Kuo for the lamp of Roorda as a simplified means of attaching the retaining ring without requiring any tools.

Referring to Claim 2 Roorda discloses (Fig.5) the fitting carrier [24] has latching tongues (portions [48]) projecting from the portion [24b] and engaging the annular lip [16c] of the reflector [16]. In the device assemble the portions [48] will be in a position behind (below) the retaining hoop [22].

Referring to Claim 3 Roorda discloses the instant claimed invention except for that the fitting carrier has a support which in the installation position embrace the retaining hoop.

Kuo discloses (Fig.5) that the fitting carrier [6] has a support [61] which in the installation position embraces the wall [43] of the retaining hoop [4].

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the fitting carrier of the device of Roorda with the support, as taught by Kuo, in order to attach the fitting carrier without requiring any tools.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571) 272-2384. The examiner can normally be reached on 9:30 – 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sandra L. O'Shea/
Supervisory Patent Examiner, Art Unit
2875

/M.T./
April 21, 2009

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